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**Notice of Allowability**

Application No.

10/542,012

Examiner

Ryan A. Jarrett

Applicant(s)

TSUCHIYA ET AL.

Art Unit

2125

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 06/07/07 and 9/13/07.
2. ☒ The allowed claim(s) is/are 1,2,4,14,15 and 17-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on 06/07/07. These drawings are acceptable.

### ***Response to Arguments***

Applicant's arguments, see page 12, filed 06/07/07, with respect to the spec objections and drawing objections, have been fully considered and are persuasive. The spec objections and drawing objections have been withdrawn in light of the spec and drawing amendments filed 06/07/07.

Applicant's arguments, see pages 13-14, filed 06/07/07, with respect to the rejection of claims 1-4 and 10-17 under 35 U.S.C. 112 1<sup>st</sup> paragraph have been fully considered and are persuasive. The rejection under 35 U.S.C. 112 1<sup>st</sup> paragraph has been withdrawn.

Applicant's arguments, see page 14, filed 06/07/07, with respect to the rejection of claims 1-4 and 10-17 under 35 U.S.C. 112 2<sup>nd</sup> paragraph have been fully considered and are persuasive. The rejection under 35 U.S.C. 112 2<sup>nd</sup> paragraph has been withdrawn in light of the claim amendments filed 06/07/07.

Applicant's arguments, see pages 14-15, filed 06/07/07, with respect to rejections of claims 3, 4, 10-13, 16, and 17 under 35 U.S.C. 101 have been fully considered and are persuasive. The rejections under 35 U.S.C. 101 have been withdrawn in light of the claim amendments filed 06/07/07.

Applicant's arguments, see pages 15-16, filed 06/07/07, with respect to the rejection of claims 1, 10, and 14 under 35 U.S.C. 102(b) as being anticipated by Moore et al. US 4,869,273, and the rejection of claims 1, 10, and 14 under 35 U.S.C. 102(b) as being anticipated by Barker et al. US 6,021,360 have been fully considered and are persuasive. These rejections have been withdrawn in light of the claim amendments filed 06/07/07.

***Allowable Subject Matter***

Claims 1-2, 4, 14-15, and 17-19 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest a power tool selector configured for selecting a model of the power tool with a specification suitable for the work description and a model of the battery and a battery charger suitable for the work description among the models of the power tools and the models of the battery and the battery charger stored in the memory unit when it is judged that the model or specification of the power tool is not suitable for the work description, as recited in independent claim 1 (and similarly recited in independent claims 14 and 18), in combination with the remaining features and elements of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan A. Jarrett  
Primary Examiner  
Art Unit 2125



10/16/07